

FILED JUL 17 2008 USDC OR

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF OREGON

MICHAEL L. ARELLANO,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

Civil No. 3:07-CV-6212-HU

ORDER AND JUDGMENT FOR REMAND

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's application for Supplemental Security benefits under Title XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings, a new hearing, and a new decision. On remand, the administrative law judge (ALJ) will: 1) evaluate the evidence submitted in November 2006, after remand from the Appeals Council in June 2006, including exhibits 13F through 17F at transcript pages 349-391 and determine whether Plaintiff has a severe seizure disorder; 2) evaluate and assign proper weight to the lay witness testimony; 3) evaluate the materiality of Plaintiff's drug

abuse; and 4) after considering the aforementioned evidence, as well as any new evidence, continue the remaining steps of the sequential evaluation, obtaining supplemental vocational testimony, if necessary.

This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. Melkonyan v. Sullivan, 501 U.S. 89 (1991).

JUDGMENT is for the Plaintiff and the file will be closed

IT IS SO ORDERED this 15 day of July, 2008.



UNITED STATES MAGISTRATE JUDGE

PRESENTED BY:

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